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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,568	09/15/2003	John Charlton Baird	13656/62246B	9732

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EXAMINER	
STALLARD, JOSEPH A	

ART UNIT	PAPER NUMBER
3715	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,568	BAIRD ET AL.	
	Examiner	Art Unit	
	J. Andrew Stallard	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 2/6/2006.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 25,28-30 and 33-46 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 25, 28-30 and 33-46 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 9/15/2003.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to the amendment filed February 6, 2006, claims 25, 28-30 and 33-46 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 25, 28, 29, 33-36, 39-40 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Cain (US 5,720,502).

Claims 25 and 39: Cain discloses a computerized method of representing and recording judgments of a user pertaining to sensory systems, said method comprising: displaying at least one body representation on a display, wherein said body representation represents at least a portion of the body of the user (*col. 2, 47-48; The silhouette of the body represents the body of the patient (user).*) in which the user is asked to make judgments by designating locations of said sensory symptoms (*col. 2 49-53; The user designates locations of sensory symptoms (pain) by attaching*

informational icons to the body representation.): receiving a user input associated with a pattern of contiguous locations of at least one sensory symptom in said body (*col. 2 49-53; The user input judgments (informational icons) are received and associated with a location of a sensory symptom (pain) in said body.*); displaying location representations at said location in said body representation on said display in response to receiving said user input wherein a region on said body representation is filled in with said location representations to represent said pattern of contiguous locations where said sensory symptom is experienced (*col. 2, 25-27; The location representations (icons) are displayed on the body representation as shown in Fig. 2, which also applies to the software embodiment of Fig. 3.*); and recording said location representations in said body representation to provide a final judgment representation (*col. 2, 47-49; The location representations are recorded in a hard copy or a computer screen.*), wherein said final judgment representation can be used to evaluate the judgments of the user.

Claim 28: Cain discloses different types of location representations are used for different types of said sensory symptoms (*col. 2, 25-27; The location representations (icons) are used for various symptoms, such as burns, cuts, bruises, etc.*).

Claims 29 and 40: Cain discloses said sensory symptoms include pain symptoms, and wherein different colors are used to represent different intensities of pain (*col. 2, 27-30*).

Claims 33 and 43: The method of claim 25 wherein receiving said user input includes receiving a user input generated by continuously activating a user input device for a period of time while indicating said contiguous locations on said display (*col. 4, 57-63;*

Locations (icons) can be dragged by a mouse, which is continuously active during a period of time.).

Claims 34 and 44: The method of claim 25 wherein receiving said user input includes receiving a user input generated by holding down a button on a mouse while moving a cursor controlled by said mouse over said locations on said display, and wherein said location representations are displayed at locations of said cursor on said display as said user input is received (*col. 4, 57-63; dragging by a mouse*).

Claims 35 and 42: The method of claim 25 further comprising: displaying multiple adjustable judgment representations corresponding to at least one of said locations, wherein said judgment representations further characterize said at least one sensory symptom associated with said at least one of said locations; and receiving a user input adjusting said multiple adjustable judgment representations (*col. 4, 11-23; Intensity of a sensory symptom (pain) can be adjusted and charted over a period of time.*).

Claim 36: The method of claim 25 wherein said location representations are displayed such that said location representations do not overlap (*Fig. 2; Representations do not overlap in the figure.*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cain (US 5,720,502) in view of Jago et al. (US 5,938,607).

Cain discloses applicant's basic inventive concept of a computerized method of representing and recording judgments of a user pertaining to sensory systems, substantially as claimed. Cain discloses comparing said final judgment representation to a library of data to determine a diagnosis (*col. 2, 33-37; The location representations in the final judgment representation are compared to the data from the charts of previous pain intensities to determine a diagnosis.*). Cain does not expressly disclose said library of data includes data previously recorded for other patients. Jago discloses determining a diagnosis for a patient using a library of other patient data, in this case a library reference ultrasonic images (*abstract*). It would benefit the method of Cain to It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Jago to modify the method of Cain by using a library of other patient data to determine a diagnosis as taught by Jago to provide a more accurate diagnosis.

3. Claims 37-38 and 45-46 are rejected under 35 U.S.C. 103(a) as obvious over Cain (US 5,720,502) in view of Cline et al. (US 5,745,718).

Cain discloses applicant's basic inventive concept of a computerized method of representing and recording judgments of a user pertaining to sensory systems, substantially as claimed. Cain does not expressly disclose receiving a user input

associated with at least one of said location representations to be erased; and erasing at least one of said location representations in response to said user input such that said pattern of contiguous locations is modified, wherein receiving said user input includes receiving a user input generated by holding down a button on a mouse while moving a cursor controlled by said mouse over said locations on said display, and wherein said location representations are erased at locations of said cursor on said display as said user input is received. In other words, Cain discloses placing location representations on a body representation by dragging and dropping them on the body representation, but Cain does not specify whether they can be removed from the body representation in a similar manner. Cline discloses dragging and dropping to erase something that was added by dragging and dropping (*col. 3, 44-53*). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention from the teaching of Cline to modify the method of Cain by including the erasing taught by Cline to allow a user to remove a location.

Response to Arguments

Applicant's arguments filed February 6, 2006 have been fully considered but they are not persuasive.

Claims 25 and 39: Examiner believes that the locations of the pain symptoms (15) shown in Fig. 2 meet the limitations that they be located in the same "region on said body representation" and in a "pattern of contiguous locations". It is also possible,

according to the invention of Cain, to place the symptom locations closer together and in a different pattern than the example shown in Fig. 2. Furthermore, Cain teaches it is desirable to provide an accurate communication of the pain location (*col. 2, 14-18*).

Claims 30: Applicant's arguments with respect to claim 30 have been considered but are moot in view of the new ground(s) of rejection.

Claims 33-46: Applicant's arguments with respect to claims 33-46 have been considered but are not persuasive for the reasons stated in the above rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Andrew Stallard whose telephone number is (571)

272-2685. The examiner can normally be reached on 9:15 am to 6:45 pm - Mon - Fri (1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Andrew Stallard
Examiner
Art Unit 3715

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